

1 THE HONORABLE RICARDO S. MARTINEZ

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7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON – AT SEATTLE

10 R.K. ,

11 Plaintiff,

NO. 04-2338 RSM

12 vs.

SPECIAL VERDICT FORM PROPOSED
BY PLAINTIFF

13 THE CORPORATION OF THE PRESIDENT
14 OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole;

[REVISED]

15 Defendants.

16 We, the jury, make the following answers to the questions submitted by the Court:

17 **QUESTION NO. 1:** Was the Mormon Church negligent for failing to warn potential
18 victims of Jack Onefrey?

19 **ANSWER:** ("Yes" or "No") _____

20
21 *INSTRUCTION: If you answer Question No. 1, "yes," go to Question No. 2. If you*
22 *answer Question No. 1 "no," then answer Question No. 3.*
23

24 **QUESTION NO. 2:** Was the negligence of the Mormon Church in failing to warn
25 potential victims of Jack Onefrey a proximate cause of injury to the plaintiff?
26

PLTF.'S PROPOSED SPECIAL VERDICT FORM (REVISED) - 1 of 7
(04-2338RSM)
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1 **ANSWER:** ("Yes" or "No") _____

2
3 *INSTRUCTION: Answer Question No. 3.*

4
5
6 **QUESTION NO. 3:** Was the Mormon Church negligent in failing to report its
7 knowledge that Jack Onefrey was a child molester to law enforcement officials?

8 **ANSWER:** ("Yes" or "No") _____

9
10 *INSTRUCTION: If you answer Question No. 3, "yes," go to Question No. 4. If you*
11 *answer Question No. 3 "no," then answer Question No. 5.*

12
13 **QUESTION NO. 4:** Was the negligence of the Mormon Church in failing to report its
14 knowledge that Jack Onefrey was a child molester a proximate cause of injury to the plaintiff?

15 **ANSWER:** ("Yes" or "No") _____

16
17 *INSTRUCTION: Answer Question No. 5.*

18
19 **QUESTION NO. 5:** Was the Mormon Church negligent in failing to train its hierarchal
20 clergy and youth leaders regarding the duty to investigate and/or the duty to report suspected
21 instances of child abuse.

22 **ANSWER:** ("Yes" or "No") _____

23
24 *INSTRUCTION: If you answer Question No. 5, "yes," go to Question No. 6. If you*
25 *answer Question No. 6 "no," then answer Question No. 7.*

1 **QUESTION NO. 6:** Was the negligence of the Mormon Church in failing to train its
2 hierarchical clergy and youth leaders regarding the duty to investigate and/or the duty to report
3 suspected instances of child abuse a proximate cause of injury to the plaintiff?

4 **ANSWER:** ("Yes" or "No") _____

5
6 **INSTRUCTION:** *If you answered "yes," to either 1, 3, or 5, answer Question No. 7; if*
7 *you answered Questions 1, 3 and 5 "no," sign and return this verdict.*
8

9
10 **QUESTION NO. 7:** What do you find to be the plaintiff's total amount of damages?
11 (Do not consider the issue of fault of third parties, if any, in your findings).

12 **ANSWER:** \$ _____

13
14 **INSTRUCTION:** *Answer Question No. 8.*
15

16
17 **QUESTION NO. 8:** Was Herman Allenbach an agent of the Mormon Church at the time
18 he gained knowledge that Jack Loholt was molesting children?

19 **ANSWER:** _____ ("Yes" or "No")

20 **INSTRUCTION:** *If you answered Question No. 8 "yes," Answer Question No. 9. If*
21 *you answered Question No. 8 "no," skip past Question Nos. 9, 10 and 11 and Answer*
22 *Question No. 12.*
23
24
25
26

QUESTION NO. 9: Were either of the following negligent?

INSTRUCTION: Answer "yes" or "no" after the name of each entity not party to this action).

ANSWER:

Yes No

Dorothy Kelly

Jerry Kelly

(INSTRUCTION: If you answer Question No. 9, "no" as to both Dorothy Kelly and Jerry Kelly, do not answer questions 10 and 11. If you answered Question No. 9 "yes," as to either Dorothy Kelly or Jerry Kelly, answer Question No. 10.

QUESTION NO. 10: Was such negligence of Dorothy or Jerry Kelly a proximate cause of injury to the plaintiff?

ANSWER:

Yes No

Dorothy Kelly

Jerry Kelly

(INSTRUCTION: If you answer Question No. 10 "no" as to both Dorothy Kelly and Jerry Kelly, skip past Question 11 and answer Question No. 12, but see instructions at end of Question No. 11 before answering Question No. 12. If you answer Question No. 10 "yes," as to either Dorothy Kelly or Jerry Kelly, answer Question No. 11.

QUESTION NO. 11: Assume that 100% represents the total combined negligence that proximately caused the plaintiff's injury. What percentage of this 100% is attributable to the defendant and what percentage of this 100% is attributable to each non-party, if any, whose

negligence was found by you in Question No. 3 to have been a proximate cause of the injury to the plaintiff? Your total must equal 100%.

ANSWER:

Defendant Mormon Church	_____ %
Non-Party Dorothy Kelly	_____ %
Non-Party Jerry Kelly	_____ %

TOTAL 100%

(INSTRUCTION: If you answered Question No. 8 "no" skip past Question Nos. 12, 13 and 14 and Answer Question No. 15. If you answered Question No. 8 "yes," Answer Question No. 12.)

QUESTION NO. 12: Were either of the following negligent?

INSTRUCTION: Answer "yes" or "no" after the name of each entity not party to this action).

ANSWER:

	Yes	No
Dorothy Kelly	_____	_____
Jerry Kelly	_____	_____
Herman Allenbach	_____	_____

(INSTRUCTION: If you answer Question No. 12 "no" as to Dorothy Kelly, Jerry Kelly and Herman Allenbach, skip past questions 13 and 14 and answer Question 15. If you answer Question No. 12 "yes," as to either Dorothy Kelly, Jerry Kelly or Herman Allenbach, answer Question No. 13.

QUESTION NO. 13: Was such negligence of Dorothy, Jerry Kelly or Herman Allenbach, a proximate cause of injury to the plaintiff?

ANSWER:

	Yes	No
Dorothy Kelly	_____	_____
Jerry Kelly	_____	_____
Herman Allenbach	_____	_____

(INSTRUCTION: If you answer Question No. 13 "no" as to Dorothy Kelly, Jerry Kelly and Herman Allenbach, skip past Question 14 and answer Question 15. If you answer Question No. 13 "yes," as to either Dorothy Kelly, Jerry Kelly or Herman Allenbach,, answer Question No. 14.

QUESTION NO. 14: Assume that 100% represents the total combined negligence that proximately caused the plaintiff's injury. What percentage of this 100% is attributable to the defendant and what percentage of this 100% is attributable to each non-party, if any, whose negligence was found by you in Question No. 3 to have been a proximate cause of the injury to the plaintiff? Your total must equal 100%.

ANSWER:

Defendant Mormon Church	_____ %
Non-Party Dorothy Kelly	_____ %
Non-Party Jerry Kelly	_____ %
Non-Party Herman Allenbach	_____ %

TOTAL 100%

(INSTRUCTION: Answer Question 15).

1 **QUESTION NO. 15:** Do you find that the intentional conduct of Jack Onefrey caused
2 plaintiff damage?

3 **ANSWER:** _____ (write "yes" or "no")

4
5 *(INSTRUCTION: If you answered Question 15 "no", sign this verdict form; if you*
6 *answered Question 15 "yes," answer Question 16.)*

7 **QUESTION NO. 16:** What is the total amount of damages caused by the negligent
8 conduct?

9 **ANSWER:** \$_____

10
11 *(INSTRUCTION: Answer Question No. 17).*

12
13 **QUESTION NO. 17:** What is the total amount of damages caused by the intentional
14 conduct?

15 **ANSWER:** \$_____

16
17 *INSTRUCTION: Sign this Verdict Form.*

18
19 DATED this _____ day of October, 2006.

20
21
22 _____
23 Presiding Juror